IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1509 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/06/2005 in WP NO : 21994 OF 2003 on the file of the High Court.)

Between:

M.A. Sattar Ansari, S/o. M.A.Khadar
R/o. 5-8-106/4, Manyam Chalka Street, Nalgonda.

..... APPELLANT

AND

1 the Chairman, Agriculture Market Committee, Chandur, Nalgonda.
2 The S.H.O. Chandur P.S., Chandur, Nalgonda.

.....RESPONDENTS

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1509 of 2005

JUDGMENT: (Per the Honourable Smt. Justice T.Meenakumari)

Aggrieved by the order of the learned single Judge, dated 20.05.2005 in W.P.No.21994 of 2003 in dismissing the said Writ Petition, the writ petitioner therein, filed this writ appeal.

The Writ Petition was filed by the appellant herein seeking to declare that the complaint dated 17.11.1999 of 1st respondent as illegal and arbitrary and in violation of Rules 25, 27, 47 of the A.P. (Agricultural Produce and Livestock) Markets Act, 1966 (for short "the Act") and Section 49 of the Bye-laws.

The brief facts that led to filing of the writ petition are that the appellant was not in-charge of the maintenance of accounts and other records. There was embezzlement of market committee funds to a tune of Rs.37,00,000/-. Alleging that the petitioner was responsible for the said act, 1st respondent gave complaint to 2nd

respondent for conducting of enquiry and accordingly a case was registered. The case of the appellant is that there must be prior sanction for prosecution and without the sanction, no prosecution can be launched. It is contended that there was no sanction by the market committee muchless an authorization in writing by any person to institute such proceedings as contemplated under Rule 25 of the Act was given. However, the second respondent has acted upon the complaint given by the first respondent and the same is illegal and violative of the Agricultural Market Committee Rules.

Before the learned single Judge the respondents filed counter stating that the appellant was absconded from duty after misappropriating an amount of Rs.37,87,748/-, the first respondent lodged a complaint with the second respondent seeking to conduct enquiry against the appellant and hence a case was registered against the appellant.

Heard both the counsel appearing on behalf of the parties. Perused the impugned order passed by the learned single Judge.

As seen from the impugned order, the matter has been adjourned from time to time and the counsel for the appellant before the learned single Judge reported “no instructions”. However, in the appeal it is contended by the learned counsel for the appellant that no opportunity was given to the appellant to submit his reply to the allegations made in the complaint.

Under the above circumstances, liberty is granted to the appellant to avail the remedies available to him.

With the above observations, the Writ Appeal is dismissed. There shall be no order as to costs.

T.MEENA KUMARI, J

P.LAKSHMANA REDDY, J

Dated:23.08.2005

Ccm